

LAND USE AND ZONING COMMITTEE

Minutes: October 19, 2006

The Land Use and Zoning Committee hereby find and determine that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 7:03 p.m.

The following members were present: Messrs. Hazel, Hullihen, Haycox, Klco, Morse, Welch, Terriaco, and Messes. Ross, Diak and Garland. Staff: Radachy.

Concord Text Change to Definitions and Permitted Uses in R-2

Staff explained that the Concord Zoning Commission rewrote the definition of restaurant and that new definitions required changes to be made to the permitted use list. This definition will only affect the R-2. The new definitions better define the uses. It also expands the uses allowed in the R-2. Currently businesses such as coffee houses, bakery/sandwich shops, sub shops or Mexican food that make sandwich to order would not be allowed in the R-2; the change will allow it.

The change in definitions is affecting the use list. The Township is changing the definition of restaurant by dividing into two definitions, one for Restaurant – Table Service and one for Restaurant – Counter Service. The change in definitions will cover ice cream parlor and bakery, so they are still allowed by definition. By redefining the definitions, they are no longer required to have them in the permitted use list, so the township is removing them. They are also adding the new terms from the definitions, Restaurant – Table Service and Restaurant – Counter Service. They are also removing the “any other uses determined to be compatible by the Board of Township Trustees of Concord Township”. This is removing the blank check.

Mr. Haycox stated that the counter service restaurants should be allowed under conditional use permit. There could be some controls under the BZA. He felt that counter service restaurants could not survive without one. He agreed the table service restaurants should not be allowed to have drive-through.

Mr. Welch stated he thought that the Township could get themselves into trouble by allowing banks and drug stores to have drive-throughs and not allowing the counter service to have a drive-throughs. Mr. Morse stated that he felt it should be all or none. Either allow drive-throughs for counter service or eliminate drive up ATMs, medicine pick up and bank windows.

Mr. Klco stated that the customer base is different for different businesses. The hours of operation and traffic flow are different. He agreed that drive-throughs should be prohibited for counter service restaurants in a PUD.

The Committee was worried that the Township could be opening themselves up for legal action by prohibiting drive-throughs for counter service restaurants.

Mr. Terriaco made a motion to recommend approval of the submitted text changes.
Mr. Klco seconded the motion.

Three voted "Aye".
Seven voted "Nay".

Motion failed.

Mr. Morse made a motion to reconsider the text amendment.
Mr. Haycox seconded.

All voted "Aye".

Mr. Haycox made motion to recommend the text changes with the recommendation that drive-throughs for counter service restaurant be allowed as a conditional use.
Mr. Hullihen seconded the motion.

Seven voted "Aye".
Three voted "Nay".

Motion passed.

The committee recommended the definitions of Restaurant Table Service and Counter Service. They also recommend changes to the permitted uses table removing Ice Cream Parlor, Bakery, and any other use approved by the trustees, and adding Restaurant – Table Service (drive-through service prohibited). They recommended adding the use of restaurant counter service, but they did not recommend prohibiting drive through service for counter service.

Meeting ended at 7:23 PM.